

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

RODNEY KEISTER,

Plaintiff,

vs.

**STUART BELL, in his official capacity as
President of the University of Alabama,
JOHN HOOKS, in his official capacity as
Chief of Police for the University of
Alabama Police Department, and MITCH
ODOM, individually and in his official
capacity as Police Lieutenant for the
University of Alabama Police Department,**

Defendants.

Case No.: 7:17-cv-00131-RDP

**PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56, Plaintiff Rodney Keister (Keister) respectfully moves this Court for summary judgment in his favor on claims he brought in this matter against Defendants Stuart Bell, in his official capacity as President of the University of Alabama (UA), John Hooks, in his official capacity as Chief of Police for the UA Police Department, and Mitch Odom, individually and in his official capacity as police officer for the UA Police Department, regarding the violation of his constitutional rights, in applying and enforcing a grounds use policy that has made him and continues to make apply for and obtain a permit for individual or small group expression, secure university entity sponsorship, and supply 10-working-day advance notice, to engage in protected speech, including literature distribution and unamplified speech, on public sidewalks owned by the City of Tuscaloosa and maintained by UA.

In the absence of any genuine issues of material fact in this cause, Keister is entitled to judgment as a matter of law, and, specifically, the following relief:

1. Declaration that UA Grounds Use Policy is unconstitutional on its face and as applied to Keister's religious literature distribution and unamplified speech on the public sidewalks at the northeast and southeast corners of the intersection of University Blvd. and Hackberry Lane;

2. Permanent injunction enjoining Defendants from applying and enforcing UA Grounds Use Policy to bar or restrict Keister's religious literature distribution and unamplified speech on the public sidewalks at the northeast and southeast corners of the intersection of University Blvd. and Hackberry Lane; and

3. Nominal damages in the amount of \$1.00 to Keister for the violation of his constitutional rights.

In support of his Motion for Summary Judgment, Keister relies on his Verified Amended Complaint [Doc. 39], Defendants' Answer thereto [Doc. 54], Evidentiary Materials compiled in Appendix filed concurrently with this Motion, his Brief in Support of the Motion for Summary Judgment, and the balance of the record in this cause.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Rodney Keister respectfully requests that this Honorable Court grant his Motion for Summary Judgment.

Respectfully submitted,

s/ Nathan W. Kellum

Nathan W. Kellum*

TN BAR #13482; MS BAR #8813

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**Pro Hac Vice* Admission

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**Pro Hac Vice* Admission

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2019, the foregoing was filed electronically with the Clerk of the Court by using the CM/ECF system, and that that notice of this filing will be sent electronically to all counsel of record by operation of the Court's CM/ECF system.

/s/Nathan W. Kellum

Attorney for Plaintiff